

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

CELSIUS NETWORK LLC, et al.,

Debtors.

Case No. 22-10964 (MG)

**ORDER GRANTING MOTION OF THE CREDITORS COMMITTEE THAT
MARK ROBINSON BE PERMITTED TO TESTIFY REMOTELY FOR CROSS-
EXAMINATION AND REDIRECT EXAMINATION**

Pursuant to paragraph 6 of the Order Establishing Case Management Procedures for Confirmation Hearing (“Procedures Order,” ECF Doc. # 3478), witnesses for whom direct testimony is submitted in writing must appear in the courtroom for cross-examination and any redirect examination unless permitted to testify remotely pursuant to Rule 43(a) of the Federal Rules of Civil Procedure. The Creditors Committee submitted the written direct testimony of Mark Robinson (ECF Doc. # 3319) and has requested that he be permitted to testify remotely for cross-examination and any redirect examination.

(See ECF Doc. # 3561.) The request explains:

Mr. Robinson is a Major in the United States Army and currently serves as the Chief of Military Justice for the Fort Knox Consolidated Military Justice Office located in Fort Knox, Kentucky. Due to his current active duty, it will be difficult for Mr. Robinson to attend the hearing in person, in New York.

Id.

The Court has reviewed the written direct testimony of Mr. Robinson and the reasons given for excusing his appearance in the courtroom for cross-examination and any redirect examination. Based on the foregoing, the Court concludes that compelling circumstances have been shown excusing Mr. Robinson from appearing in the courtroom

and to appear instead remotely using Zoom for Government for cross-examination and any redirect examination.

The following safeguards shall be applied:

1. No person other than any lawyer representing the witness may be in the same room in which he testifies.
2. Any witness appearing remotely must appear on screen in an unobstructed direct front view of the witness' head and upper torso.
3. The witness may not use or refer to any exhibits, notes or other writings during testimony unless a request is made and approved by the Court.
4. The witness may not be coached or prompted during the witness' testimony (other than through such recognized means as refreshing recollection).
5. The witness must have a copy of any written direct testimony (ECF Doc. # 3584, including Exhibit A) and the Rick Phillips' Limited Objection to Confirmation available for review during his testimony if requested to review them during his witness examination.

IT IS SO ORDERED.

Dated: September 27, 2023
New York, New York

Martin Glenn

MARTIN GLENN
Chief United States Bankruptcy Judge